

## Article 6: Board and Commissions

### Division 1: General

#### §26.0101 Purpose and Intent

- (a) City Council intends to implement Government Code Sections 87300 through 87313 pertaining to conflict of interest codes for City boards and commissions.
- (b) The City Council also intends to implement penalties for boards and commission members who fail to file required statements of economic interest.
- (c) The City Council also intends to establish a system for maintaining records for boards and commissions.

*(“Purpose and Intent” added 2-13-1995 by O-18162 N.S.)*

#### §26.0102 Official Records of Boards and Commissions

Official records of the Boards and Commissions of The City of San Diego may be maintained by the City Department responsible for staffing each Board and Commission unless otherwise provided by State law or the City Charter.

*(Renumbered from Sec. 26.03 on 2-13-1995 by O-18162 N.S.)*

#### §26.0103 Definitions

“Code Reviewing Body” means the entity authorized to carry out the duties described in California Government Code Section 87303.

*(“Definitions” added 2-13-1995 by O-18162 N.S.)*

#### §26.0104 The City Council As Code Reviewing Body for Conflict of Interest Codes

- (a) The City Council shall serve as the Code Reviewing Body under Government Code Section 87303 for review and adoption of conflict of interest codes for boards and commissions created by City Charter, ordinance, resolution, or formal action of the City Council.
- (b) Upon recommendation of the City Manager in consultation with the City Attorney and City Clerk, the City Council shall determine by resolution whether a particular board or commission is required by Government Code section 87100 and 2 California Code of Regulations 18700(a)(1) to have, and be subject to, a conflict of interest code.

*(“The City Council As Code Reviewing Body for Conflict of Interest Codes” added 2–13–1995 by O–18162 N.S.)*

#### **§26.0105 Exception for Solely Advisory Boards and Commissions**

- (a) The City Council finds that certain of the City’s boards and commissions are “solely advisory” within the meaning of Government Code section 87100, and are therefore not required by law to have conflict of interest codes.
- (b) Except as provided in Section 26.0106, for those boards and commissions not required by law to have conflict of interest codes, the City Council declares that citizens serving as volunteers on those boards and commissions shall not be required to complete and submit economic disclosure forms and shall not be required to disqualify themselves from deliberations or decision making for economic reasons.

*(“Exception for Solely Advisory Boards and Commissions” added 2–13–1995 by O–18162 N.S.)*

#### **§26.0106 Members of Land Use Boards and Commissions**

- (a) The City Council finds that unique and serious potential conflicts of interest arise by virtue of participation on City boards and commissions that deal with land use issues.
- (b) The City Council finds that it is in the City’s best interest that conflict of interest codes be adopted for those boards and commissions. The conflict of interest code shall be the same as that adopted for boards and commissions required by state law to have them (see Section 26.0104), except that the sole scope of disclosure shall be as follows:

Investments, business positions, and sources of income of the type which engage in land development, construction, or the acquisition or sale of real property; or

Interests in real property located within the City, including real property located within a two-mile radius of any property owned or leased by the City. An interest in real property that is used as a personal residence is not required to be disclosed, unless the residence is also used for business purposes.

- (c) Members of these boards and commissions shall be subject to the disqualification provisions in their respective conflict of interest codes.

*(“Members of Land Use Boards and Commissions” added 2–13–1995 by O–18162*

N.S.)

**§26.0107 Enforcement Authority**

The City Clerk is authorized to administer and enforce Sections 26.0103 through 26.0106. The City Clerk and the Clerk's designees may exercise any enforcement powers set forth in Chapter 1, Article 2, Division 1 of this Municipal Code. The City Clerk may promulgate regulations reasonably necessary to implement the intent of Chapter 2, Article 6, Division 1 of this Municipal Code.

*("Enforcement Authority" added 2-13-1995 by O-18162 N.S.)*

**§26.0108 Enforcement Remedies**

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code Section 12.0201. The City Clerk may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy set forth in Chapter 1 of this Code.
- (b) In addition to the general remedies in Chapter 1, the City Clerk may levy a fine of \$10 per day, up to a maximum of \$100, for any person who fails to file a statement of economic interest as required by any conflict of interest code adopted under authority of Section 26.0106.
- (c) In addition to the penalties set forth in Section 26.0108(a) and (b), members of boards and commissions required by Government Code section 87100 to file economic disclosure forms who fail to file the necessary forms or file them late are subject to applicable penalties set forth in Government Code sections 91000 through 91015.

*("Enforcement Remedies" added 2-13-1995 by O-18162 N.S.)*

Ch.	Art.	Div.	
2	6	1	4